



House of Representatives

General Assembly

File No. 36

January Session, 2013

Substitute House Bill No. 5601

House of Representatives, March 18, 2013

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS'
RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE
GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 9-158d of the general statutes, as
2 amended by section 6 of public act 12-56, is repealed and the following
3 is substituted in lieu thereof (*Effective July 1, 2013*):

4 (a) The application for a presidential ballot shall be a form signed in
5 duplicate by the applicant under penalty of false statement in absentee
6 balloting, which shall provide substantially as follows:

7 To the Town Clerk of the Town of ..., Connecticut

8 I, the undersigned, declare under penalty of false statement in
9 absentee balloting that the following statements are true:

10 1. I am a citizen of the United States.

11 2. I have not forfeited my electoral privileges because of conviction
12 of a disfranchising crime.

13 3. I was born on ..., and on the day of the next presidential election,
14 I shall be at least 18 years of age.

15 4. FORMER RESIDENT. I am a former resident of the above town,
16 to which I am making this application, and resided at Street therein.
17 I moved from such town to my present town and state of residence on
18 the day of, 20.., being within thirty days before the date of the
19 next presidential election, and for that reason I cannot register to vote
20 in said presidential election in my present town and state of residence.
21 I am now a bona fide resident of the Town of, in the state of, now
22 residing at Street therein.

23 5. I hereby apply for a "presidential ballot" for the election to be held
24 on ..., 20... I have not voted and will not vote otherwise than by this
25 ballot at that election. I am not eligible to vote for electors of President
26 and Vice-President in any other state.

6. The said ballot is to be given to me personally or mailed to me at
.... (bona fide mailing address)

29 Dated at, this day of 20...

30 (Signature of applicant)

31 Sec. 2. Section 1-81 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2013*):

33 (a) The board and general counsel and staff of the Office of State
34 Ethics shall:

(1) Compile and maintain an index of all reports, advisory opinions, informal staff letters, memoranda issued in accordance with subsection (b) of section 1-82 and statements filed by and with the Office of State Ethics to facilitate public access to such reports and advisory opinions, informal staff letters, memoranda statements as provided by this part;

40 (2) Preserve advisory opinions and informal staff letters,
41 permanently; preserve memoranda issued in accordance with
42 subsection (b) of section 1-82 and statements and reports filed by and
43 with the board for a period of five years from the date of receipt;

44 (3) Upon the concurring vote of a majority of the board present and
45 voting, issue advisory opinions with regard to the requirements of this
46 part, upon the request of any person subject to the provisions of this
47 part, and publish such advisory opinions in the Connecticut Law
48 Journal. Advisory opinions rendered by the board, until amended or
49 revoked, shall be binding on the board and shall be deemed to be final
50 decisions of the board for purposes of appeal to the superior court, in
51 accordance with the provisions of section 4-175 or 4-183. Any advisory
52 opinion concerning the person who requested the opinion and who
53 acted in reliance thereon, in good faith, shall be binding upon the
54 board, and it shall be an absolute defense in any criminal action
55 brought under the provisions of this part, that the accused acted in
56 reliance upon such advisory opinion;

57 (4) Respond to inquiries and provide advice regarding the code of
58 ethics either verbally or through informal letters;

59 (5) Provide yearly training to all state employees regarding the code
60 of ethics;

61 (6) Make legislative recommendations to the General Assembly and
62 report annually, prior to April fifteenth, to the Governor summarizing
63 the activities of the [commission;] Office of State Ethics; and

64 (7) Meet not less than once per month with the office's executive
65 director and ethics enforcement officer. [; and]

66 [(8)] (b) The [commission] Office of State Ethics may enter into such
67 contractual agreements as may be necessary for the discharge of its
68 duties, within the limits of its appropriated funds and in accordance
69 with established procedures.

70 [(b)] (c) The Office of State Ethics shall employ an executive director,

71 general counsel and ethics enforcement officer, each of whom shall be
72 exempt from classified state service. The salary for the executive
73 director, general counsel and the ethics enforcement officer shall be
74 determined by the Commissioner of Administrative Services in
75 accordance with accepted personnel practices. No one person may
76 serve in more than one of the positions described in this subsection.
77 The Office of State Ethics may employ necessary staff within available
78 appropriations. Such necessary staff of the Office of State Ethics shall
79 be in classified state service.

80 [(c)] (d) The executive director, described in subsection [(b)] (c) of
81 this section, shall be appointed by the Citizen's Ethics Advisory Board
82 for an open-ended term. Such appointment shall not be made until all
83 the initial board members appointed to terms commencing on October
84 1, 2005, are appointed by their respective appointing authorities,
85 pursuant to subsection (a) of section 1-80. The board shall annually
86 evaluate the performance of the executive director, in writing, and may
87 remove the executive director, in accordance with the provisions of
88 chapter 67.

89 [(d)] (e) The general counsel and ethics enforcement officer
90 described in subsection [(b)] (c) of this section, and other staff of the
91 Office of State Ethics shall be appointed by the executive director of the
92 Office of State Ethics. The executive director shall annually evaluate
93 the performance of the general counsel, ethics enforcement officer and
94 such other staff, in writing, and may remove the general counsel or
95 ethics enforcement officer, in accordance with the provisions of
96 chapter 67, or such other staff, in accordance with any applicable
97 collective bargaining agreement.

98 [(e)] (f) There shall be a legal division within the Office of State
99 Ethics. The legal division shall provide the board with legal advice on
100 matters before said board and shall represent the board in all matters
101 in which the board is a party, without the assistance of the Attorney
102 General unless the board requests such assistance. The legal division
103 shall, under the direction of the general counsel, provide information

104 and written and verbal opinions to persons subject to the code and to
105 the general public. The general counsel, described in subsection [(b)]
106 (c) of this section, shall supervise such division. The investigation or
107 instigation of a complaint may not occur solely because of information
108 received by the legal division.

109 [(f)] (g) There shall be an enforcement division within the Office of
110 State Ethics. The enforcement division shall be responsible for
111 investigating complaints brought to or by the board. The ethics
112 enforcement officer, described in subsection [(b)] (c) of this section,
113 shall supervise the enforcement division. The enforcement division
114 shall employ such attorneys and investigators, as necessary, within
115 available appropriations, and may refer matters to the office of the
116 Chief State's Attorney, as appropriate.

117 [(g)] (h) The Citizen's Ethics Advisory Board shall adopt regulations
118 in accordance with chapter 54 to carry out the purposes of this part.
119 Such regulations shall not be deemed to govern the conduct of any
120 judge trial referee in the performance of such judge trial referee's
121 duties pursuant to this chapter.

122 [(h) In] (i) The general counsel shall, in consultation with the
123 executive director of the Office of State Ethics, [the general counsel
124 shall] oversee yearly training of all state personnel in the code of ethics,
125 provide training on the code of ethics to other individuals or entities
126 subject to the code and shall make recommendations as to public
127 education regarding ethics.

128 Sec. 3. Subsection (e) of section 1-82 of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective from*
130 *passage*):

131 (e) No person shall take or threaten to take official action against an
132 individual for such individual's disclosure of information to the board
133 or the general counsel, ethics enforcement officer or staff of the Office
134 of State Ethics under the provisions of this part or section 1-101nn.
135 After receipt of information from an individual under the provisions of

136 this part or section 1-101nn, the Office of State Ethics shall not disclose
137 the identity of such individual without such individual's consent
138 unless the Office of State Ethics determines that such disclosure is
139 unavoidable during the course of an investigation. No person shall be
140 subject to civil liability for any good faith disclosure that such person
141 makes to the [commission] Office of State Ethics.

142 Sec. 4. Subsection (k) of section 1-91 of the general statutes is
143 repealed and the following is substituted in lieu thereof (*Effective from*
144 *passage*):

145 (k) "Lobbying" means communicating directly or soliciting others to
146 communicate with any official or his staff in the legislative or executive
147 branch of government or in a quasi-public agency, for the purpose of
148 influencing any legislative or administrative action except that the
149 term "lobbying" does not include (1) communications by or on behalf
150 of a party to, or an intervenor in, a contested case, as described in
151 regulations adopted by the [commission] Office of State Ethics in
152 accordance with the provisions of chapter 54, before an executive
153 agency or a quasi-public agency, as defined in section 1-79, (2)
154 communications by a representative of a vendor or by an employee of
155 the registered client lobbyist which representative or employee acts as
156 a salesperson and does not otherwise engage in lobbying regarding
157 any administrative action, (3) communications by an attorney made
158 while engaging in the practice of law and regarding any matter other
159 than legislative action as defined in subsection (j) of this section or the
160 proposal, drafting, development, consideration, amendment, adoption
161 or repeal of any rule or regulation, or (4) other communications
162 exempted by regulations adopted by the [commission] Office of State
163 Ethics in accordance with the provisions of chapter 54.

164 Sec. 5. Subsection (a) of section 1-100b of the general statutes is
165 repealed and the following is substituted in lieu thereof (*Effective*
166 *October 1, 2013*):

167 (a) The Office of State Ethics, upon a finding that a communicator
168 lobbyist has violated the provisions of subsection [(i)] (h) of section 9-

169 610, may suspend [said] such lobbyist's registration for a period of not
170 more than the remainder of the term of such registration and may
171 prohibit [said] such lobbyist from engaging in the profession of
172 lobbyist for a period of not more than three years.

173 Sec. 6. Subsection (c) of section 1-100b of the general statutes is
174 repealed and the following is substituted in lieu thereof (*Effective from*
175 *passage*):

176 (c) The Office of State Ethics shall make any finding under
177 subsection (a) or (b) of this section in accordance with the same
178 procedure set forth in section 1-93 for a finding by the [commission]
179 board of a violation of part II of chapter 10.

180 Sec. 7. Subdivision (5) of subsection (g) of section 2c-2h of the
181 general statutes is repealed and the following is substituted in lieu
182 thereof (*Effective from passage*):

183 (5) Commission on Children, established under section 46a-126; and

184 Sec. 8. Section 4b-15 of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective from passage*):

186 Each state agency having care, control and supervision of state
187 property, including the Judicial Department and the Joint Committee
188 on Legislative Management of the General Assembly, shall implement
189 a policy for each facility under its care, control or supervision to (1)
190 reduce the use of disposable and single-use products, [in accordance
191 with the plan adopted by the Commissioner of Administrative Services
192 pursuant to section 4a-67b,] and (2) separate and collect items
193 designated as either suitable or required for recycling pursuant to
194 section 22a-241b. Each such state agency shall post such policy on its
195 Internet web site.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2013	9-158d(a)
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Sec. 2	<i>October 1, 2013</i>	1-81
Sec. 3	<i>from passage</i>	1-82(e)
Sec. 4	<i>from passage</i>	1-91(k)
Sec. 5	<i>October 1, 2013</i>	1-100b(a)
Sec. 6	<i>from passage</i>	1-100b(c)
Sec. 7	<i>from passage</i>	2c-2h(g)(5)
Sec. 8	<i>from passage</i>	4b-15

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes technical changes to the government administration and elections statutes, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5601*****AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES.*****SUMMARY:**

This bill makes technical changes to the government administration and elections statutes. It removes obsolete references to the State Ethics Commission, which was eliminated in 2005, and replaces them with references to its successor, the Office of State Ethics (OSE). Additionally, it corrects a statutory reference concerning OSE's authority to discipline lobbyists for certain campaign finance law violations.

The bill also deletes an obsolete reference to a Department of Administrative Services plan for eliminating the use of disposable and single-use products in state government. The requirement to develop this plan was removed in 2012.

EFFECTIVE DATE: Upon passage, except that two of the ethics provisions are effective October 1, 2013, and a technical elections change is effective July 1, 2013.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/04/2013)